

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
WAYNE BERRY,	:	
	:	
	:	
Plaintiff,	:	
	:	
- against -	:	No. 07-CV-07634 (HB) (AJP)
	:	
DEUTSCHE BANK TRUST COMPANY	:	
AMERICAS (F.A. BANKERS TRUST	:	
COMPANY) AND JP MORGAN CHASE BANK	:	
IN THEIR SEPARATE CAPACITIES AND AS	:	
AGENTS FOR THE PRE AND POST-PETITION	:	
LENDERS OF FLEMING COMPANIES, INC.,	:	
GENERAL ELECTRIC CAPITAL	:	
CORPORATION; C&S WHOLESALE	:	
GROCERS, INC., DOES 1-20 TO 200,	:	
	:	
Defendants.	:	
	:	
-----	X	

Affidavit of Service

State of New York)
) ss:
County of New York)

Christian Schulz, being duly sworn, deposes and says:

1. I am not a party to this action and I am over 21 years of age.
2. I am employed by the law firm of Nixon Peabody LLP, 437 Madison Avenue, New York, New York 10022, attorneys for the Defendant C&S Wholesale Grocers, Inc..
3. On September 5, 2007. I served true copies of the Disclosure Statement Pursuant to Rule 7.1, the Notice of Motion to Dismiss, the Brief of Defendant C&S Wholesale Grocers, Inc. in Support of Motion to Dismiss, and the Declaration of Lex R. Smith in Support of Defendant C&S Wholesale Grocers, Inc.'s Motion to Dismiss in this proceeding by depositing true copies

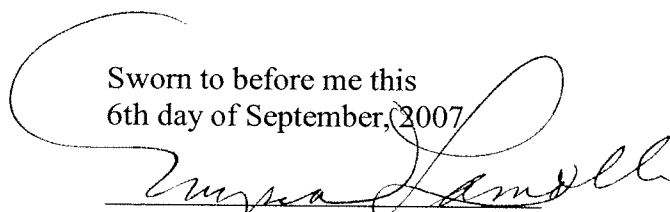
thereof enclosed in a post-paid wrappers, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed as follows:

Timothy Joseph Hogan
1050 Bishop Street #433
Honolulu, HI 96813
Attorney for Plaintiff Wayne Berry

Kirkland & Ellis, LLP
777 South Figueroa Street
Los Angeles, CA 90017
Attorneys for Defendants
Deutsche Bank Trust Company Americas,
JP Morgan Chase Bank

White & Case LLP (NY)
1155 Avenue of the Americas
New York, NY 10036
Attorneys for Defendants
Deutsche Bank Trust Company Americas,
JP Morgan Chase Bank
Lyle S. Hosoda & Associates, LLC
345 Queen Street, Suite 804
Honolulu, HI 96813
Attorneys for Defendants
Deutsche Bank Trust Company Americas,
JP Morgan Chase Bank



CHRISTIAN SCHULZ

Sworn to before me this
6th day of September, 2007

Notary Public

MYRNA LAMOLLI
Notary Public, State of New York
No. 01LA4825109
Qualified in New York County
Commission Expires January 31, 2011